IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 11596 of 2003

Between:

Captain Bhushan Datta, S/o. Major V.P. Datta
R/o. 3-6-361/23, Street No. 20, Himayat Nagar, Hyderabad.

..... PETITIONER

AND

1. State Bank of Hyderabad, Rep. by its General Manager (Operations), Gunfoundry, Hyderabad.
2. State Bank of Hyderabad, Rep. by its Deputy General Manager, Zonal Office, P.B.No. 48, Supermarket, Gulberga - 585101.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not regularizing the service of the petitioner with effect from 07-11-1996 i.e., the date of suspension to 26-04-2001 (the date of reinstatement) as illegal, arbitrary; and unjust and consequently direct the respondents to regularize the suspension period i.e., from 07-11-1996 to 26-04-2001 as on duty and to release the increments with effect from 1996 to till date and consequently direct the respondents to pay all consequential benefits thereof.

Counsel for the Petitioner: MR. G. RAVI MOHAN

Counsel for the Respondents: MR. M. V. S. SURESH KUMAR

The Court made the following:

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ORDER:

Assailing the action of the respondents in not regularizing the services of the petitioner w.e.f. 7.11.1996 i.e. the date of suspension to 26.4.2001) (the date of reinstatement) this W.P is filed. The petitioner also seeks direction to the respondents to regularize the said suspension period as on duty and to release the increments with effect from 1996.

The learned counsel appearing for the petitioner submits that the petitioner made a representation dated 02-03-2003 for the said relief to the first respondent and the said representation is still pending.

Without going into the merits of the case, I am of the view that when the representation of the petitioner is pending before the first respondent, it is just and proper for the first respondent to consider and dispose of the representation of the petitioner dated 02-03-2003. If the petitioner is aggrieved by the order that may be passed by the respondents on his representation, it is always open for him to question the said action.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the first respondent to consider and dispose of the representation of the petitioner dated 02-03-2003 and pass appropriate orders on the representation, in accordance with law, within four weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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V.ESWARAIAH, J

Date: 13-08-2004

Glv/DA

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The General Manager,(Operations),
State Bank of Hyderabad, , Gunfoundry, Hyderabad.
2. The Deputy General Manager,
State Bank of Hyderabad, Zonal Office,
P.B.No. 48, Supermarket, Gulberga - 585101.

3. Two C.D copies.